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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 22

Application Number: 09/751,489
Filing Date: December 28, 2000
Appellant(s): SALOMON ET AL.

Ronald Reichman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 14, 2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

No amendment after final rejection has been filed. A paper entitled, "AMENDMENT AFTER FINAL REJECTION" was filed on June 24, 2003 (paper no. 16), but this paper only includes a request for reconsideration and arguments regarding the final rejection.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1, 4-6 and 8 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 2-3 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof.

The rejection of claims 9-16 and 18-20 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,431,778	COUDRAY ET AL.	8-2002
5,828,387	WATAYA ET AL.	10-1998
5,265,867	MAGEE	11-1993

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Magee.

With respect to claim 1, Magee discloses a double belt transport system having an upstream end and a downstream end and an upper belt 18a and a lower belt 16a as shown in Figure 2 of Magee. The upstream belt has a straight section between rollers 28 and 30. The

lower belt has an intake section below roller 24 and the belt extends beyond both ends of the upper belt 18a. the upper belt 18a and the lower belt 16a form a soft wedge shaped ingest nip for transporting articles to be printed. The straight section of the upper belt forms a registration plane for the print head 34.

With respect to claim 4, Magee discloses upstream and downstream rollers 28 and 30 respectively. Theses rollers define a tangent plane that is parallel to the registration plane and they press against the belt 18a defining the straight section of the belt 18a.

With respect to claims 5, Magee discloses a deck 12 which has an upstream portion adjacent to the ingest nip and which supports articles to be printed as they enter the ingest nip.

With respect to claim 6, Magee discloses motor 20 for driving the belts 16a and 18a.

With respect to claim 8, Magee discloses a conventional ink jet head 34 which, being conventional, would have more than one nozzle for printing.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magee in view of Coudray et al.

With respect to claim 2, Magee discloses the claimed double belt transport system except for the lifting mechanism. However, Coudray et al. teaches a lifting mechanism 19-26 as shown in Figure 4. It would have been obvious to combine the teaching of Coudray et al. with the double belt transport system disclosed by Magee for the advantage of allowing the printing of articles with different thicknesses.

With respect to claim 3, Coudray et al. discloses a reference surface 35 which faces the lifting mechanism such that the mailpiece is urged against it in the printing area (col. 6, lines 5-8).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Magee applied to claims 1, 4-6 and 8 above, and further in view of Wataya et al.

Magee discloses the claimed double belt transport system except for the velocity measurement mechanism. However Wataya et al. teaches a speed detector 1 which measures the speed of belt 54. It would have been obvious to combine the teaching of Wataya et al. with the transport system disclosed by Magee for the advantage of synchronizing the registration of different colors that are being printed.

Claims 9-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Coudray et al.

With respect to claim 9, Coudray et al. discloses the method of providing a double belt transport system for moving a mailpiece including a print head 34, an upper looping belt 9 and a lower looping belt 10. The belts form a straight section between rollers 12 and 16 such that they define a registration plane for print head 34 as shown in Figure 4 of Coudray et al. A soft wedge shaped ingest nip is formed by a lower belt from roller 18 to the straight section as shown in Figure 4. Since rollers press the lower belt upwards against the mailpiece 2 and the upper belt 9, a normal force is applied between the mailpiece 2 and the upper belt 9. Friction is inherent in contact between any surfaces. Coudray et al. further discloses that a straight section of the upper belt 9 above the mail intake section of the lower belt 10 form the ingest nip as shown in Figure 4 of Coudray et al.

With respect to claim 12, Coudray et al. discloses a lifting mechanism 19-26 as shown in Figure 4.

With respect to claim 13, Coudray et al. discloses a reference surface 35 which faces the lifting mechanism such that the mailpiece is urged against it in the printing area (col. 6, lines 5-8).

With respect to claim 14, Coudray et al. discloses pulleys 19 and 22 which define a tangent plane parallel to the registration plane and press against the upper belt 10 through the lower belt 9.

With respect to claim 15, Coudray et al. discloses a deck 7 which supports the mailpiece 2 as it enters the ingest nip.

With respect to claim 16, Coudray et al. discloses motor 17 for driving belts 9 and 10 at the same speed so shearing forces are reduced (col. 4, lines 53-67).

With respect to claim 10, the lifting mechanism 19-26 urges the mailpiece 2 towards the straight section of the upper belt 9.

With respect to claim 11, Coudray et al. discloses a printer (*note print head 34*) with the double belt transport system as mentioned in the above rejection of claim 9, and a soft wedge shaped ingest nip as mentioned in the above rejection of claim 9.

With respect to claims 18-20, Coudray et al. discloses a tensioning idler 19 for the lower belt 10 and the method of using the idler 19 as shown in Figure 4 and disclosed in col. 4, lines 24-36) of Coudray et al.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coudray et al. as applied to claims 9-16 and 18-20 above, and further in view of Wataya et al.

Coudray et al. discloses the claimed printer except for the velocity measurement mechanism. However Wataya et al. teaches a speed detector 1 which measures the speed of belt

54. It would have been obvious to combine the teaching of Wataya et al. with the printer disclosed by Coudray et al. for the advantage of synchronizing the registration of different colors that are being printed.

(11) Response to Argument

With respect to claim group 1, 4-6 and 8, applicant argues that Magee does not disclose the structure recited in claim 1. In fact, Magee does disclose a double belt transport system having an upstream end and a downstream end and an upper belt 18a and a lower belt 16a as shown in Figure 2 of Magee. The upstream belt 18a has a straight section between rollers 28 and 30. The lower belt 16a has an intake section below roller 24 and the lower belt 16a extends beyond both ends of the upper belt 18a running from the upstream end to the downstream end. The upper belt 18a and the lower belt 16a form a soft wedge shaped ingest nip (see entry guide 32 in Figure 2 of Magee) for transporting articles to be printed. The straight section of the upper belt 18a forms a registration plane for the print head 34.

With respect to the phrase, "so that the tension of the lower belt is controlled by the elasticity of the lower belt. . . to provide a normal force between mailpieces having different thicknesses," this is functional language that does not add any structure to the claim. Since Magee does in fact recite all the claimed structure, the functions recited in the above phrase must also be enabled by the structure recited in Magee. A normal force is certainly applied by the lower belt 16a as is true in all objects supported by another surface in a gravitational environment. Furthermore, the upper belt 18a must also provide a friction force to the signatures 14 since there is always a frictional force between any contacting surfaces. Additionally, the upper belt 18a must be moving the signatures 14 in order for Magee's system to be operable.

With respect to claim group 2-3, applicant argues that Coudray et al. does not disclose the structure as recited in claim 1. It is noted that Coudray et al. has not been relied upon to meet the structure of claim 1, instead Coudray et al. has been relied upon to teach the lifting mechanism 19-26 shown in Figure 4 of Coudray et al., and only Magee has been relied upon for disclosing the structure recited in claim 1.

With respect to claim 7, Wataya et al. is solely relied upon for the teaching of a velocity measurement mechanism 1 for measuring the speed of belt 54. While Wataya et al. may disclose a different intended use than that recited in claim 7, the structure of the velocity measurement mechanism is known.

With respect to claims 9-16 and 18-20, applicant argues that Coudray et al. does not disclose the structure recited in claim 9. However, Coudray et al. does in fact disclose the method of providing the claimed structure. Coudray et al. discloses providing a double belt transport system for moving a mailpiece including a print head 34, an upper looping belt 9 and a lower looping belt 10. The belts form a straight section between rollers 12 and 16 such that they define a registration plane for print head 34 as shown in Figure 4 of Coudray et al. An ingest nip is formed by a lower belt from roller 18 to the straight section as shown in Figure 4 of Coudray et al. Since rollers press the lower belt upwards against the mailpiece 2 and the upper belt 9, a normal force is applied between the mailpiece 2 and the upper belt 9. Friction is inherent in contact between any surfaces. Coudray et al. further discloses that a straight section of the upper belt 9 above the mail intake section of the lower belt 10 form the ingest nip as shown in Figure 4 of Coudray et al.

With respect to applicant's arguments regarding claim 17, Magee is not relied upon for this rejection. As noted in applicant's arguments, the rejection of this claim is in paragraph 7 of the Final Rejection, but this paragraph concerns Coudray in view of Wataya et al. Wataya et al. is relied upon for the teaching of a velocity measurement mechanism 1 for measuring the speed of belt 54. While Wataya et al. may disclose a different intended use than that recited in claim 7, the structure of the velocity measurement mechanism is known.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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February 5, 2004

Conferees

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